

Staff Report



Zoning Case SUP10-18 (Rush Creek Christian Church)

City Council Meeting Date: 9-28-10

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance changing the zoning classification on certain property known as 2401 Southwest Green Oaks Boulevard, by the approval of Specific Use Permit SUP10-18 for a day care use.

PRIOR BOARD OR COUNCIL ACTION

On August 18, 2010, the Planning and Zoning Commission recommended approval of Zoning Case SUP10-18 by a vote of 9-0-0.

On September 14, 2010, the City Council approved Zoning Case SUP10-18 on first reading by a vote of 9-0-0.

REQUEST

The applicant requests a Specific Use Permit (SUP) for day care use on a 5.070-acre tract of land zoned "R" (Single-family residential with a minimum lot size of 7,200 square feet); addressed at 2401 Southwest Green Oaks Boulevard, generally located north of southwest Green Oaks Boulevard and east of South Bowen Road. No protest petitions have been received for this case.

ANALYSIS

A day care use is allowed in an "R" zoning district with a Specific Use Permit approval and with the following conditions:

- 1) The building area is limited to no more than 6,500 square feet;
- 2) The building entrance and access shall be oriented away from residential uses on local streets unless no other access is possible;
- 3) State licensed capacity shall not exceed 140 individuals; and
- 4) Drop-off areas shall be designed so that there will be no vehicles stacking onto public streets.

The applicant is proposing to comply with all conditions listed above. The site is currently developed as a church. The church is dedicating 2,956 square feet of the 28,600 square foot existing structure for daycare use. There are two points of access to the site, one from Southeast Green Oaks Boulevard and one from South Bowen Road. The daycare entrance is located at the south side of the structure facing green Oaks Boulevard. The site currently has approximately 184 existing parking spaces. The site is surrounded by single family residential zoning to the north, east, south, and west. A park use exists to the east and church use exists to the south across Southwest Green Oaks Boulevard.

The Southwest Sector Plan designates the subject site as "Low Density Residential", which supports "E" (Single-family residential with a minimum lot size of 10,000 square feet) and "R" zoning districts and their associated uses.

The 1992 Comprehensive Plan contains the following strategy for day care centers: "Encourage day care centers which are compatible with the surrounding neighborhood in terms of density, bulk and style to locate close to residential areas where access is adequate for the use and does not adversely affect the surrounding residential neighborhood."

The subject site is located at the intersection of two major arterial streets (South Bowen and Southwest Green Oaks), and a daycare in the existing church facility at that location could serve the surrounding residential neighborhoods.

The proposed zoning request is in conformance with the Southwest Sector Plan and the 1992 Comprehensive Plan.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

Ordinance with Exhibits A and B
Site Plan
Case Information with P&Z Summary
None
None

Under separate cover:

Available in the City Secretary's office:

STAFF CONTACT(S)

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Ordinance No. _____

An ordinance changing the zoning classification on certain property known as 2401 Southwest Green Oaks Boulevard by the approval of specific use permit SUP10-18 for day care use; amending the Zoning District Map accordingly; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP10-18 and recommended approval of the specific use permit on August 18, 2010;

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A Specific Use Permit for day care use is hereby granted for the property known as 2401 Southwest Green Oaks Boulevard, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance, including all exhibits to this ordinance, immediately after the effective date of this ordinance.

3.

This Specific Use Permit shall expire three years after the date of approval unless a building permit or a Certificate of Occupancy for the specific use has been issued.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

9.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

10.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the ____ day of _____, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the ____ day of _____, 2010, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARTHA GARCIA, Acting City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

SUP10-18

EXHIBIT "A"

BEING approximately 5.070 acres of land with frontage on Southwest Green Oaks Boulevard, and is commonly known as Lot 18 of the W.M. Stephens Addition, an addition to the City of Arlington, Texas;

AND being generally located north of Southwest Green Oaks Boulevard and east of South Bowen Road with the approximate address being 2401 Southwest Green Oaks Boulevard.

SUP10-18
EXHIBIT “B”

1. The zoning of this site is “R” (Single-family residential with a minimum lot size of 7,200 square feet) with a Specific Use Permit for day care use.
2. The day care is will occupy approximately 2,956 square feet.
3. The building area of the day care is limited to no more than 6,500 square feet.
4. The building entrance and access shall be oriented away from residential uses on local streets unless no other access is possible.
5. State licensed capacity shall not exceed 140 individuals.
6. Drop-off areas shall be designed so that there will be no vehicles stacking onto public streets.
7. Use and development of the property must be in compliance with the attached Floor plan (two pages).
8. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B shall control.

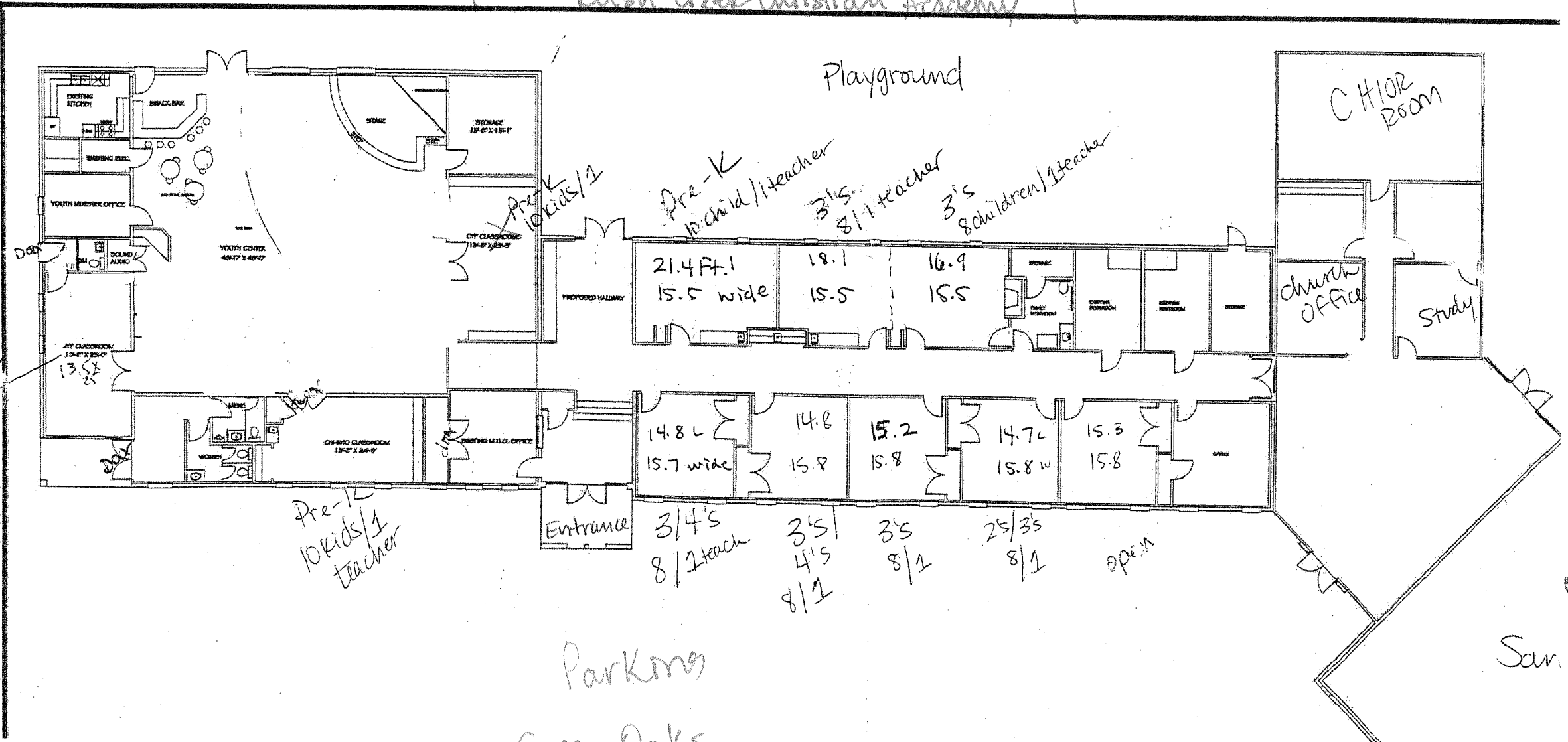
- State license shall not exceed 140 individuals
- RCCA requires parents/caregivers to park and come in to building for drop off/pickup. There will be no vehicles stacking onto public streets.

Rush Creek Christian Church
Education Wing
Rush Creek Christian Academy

Entrance

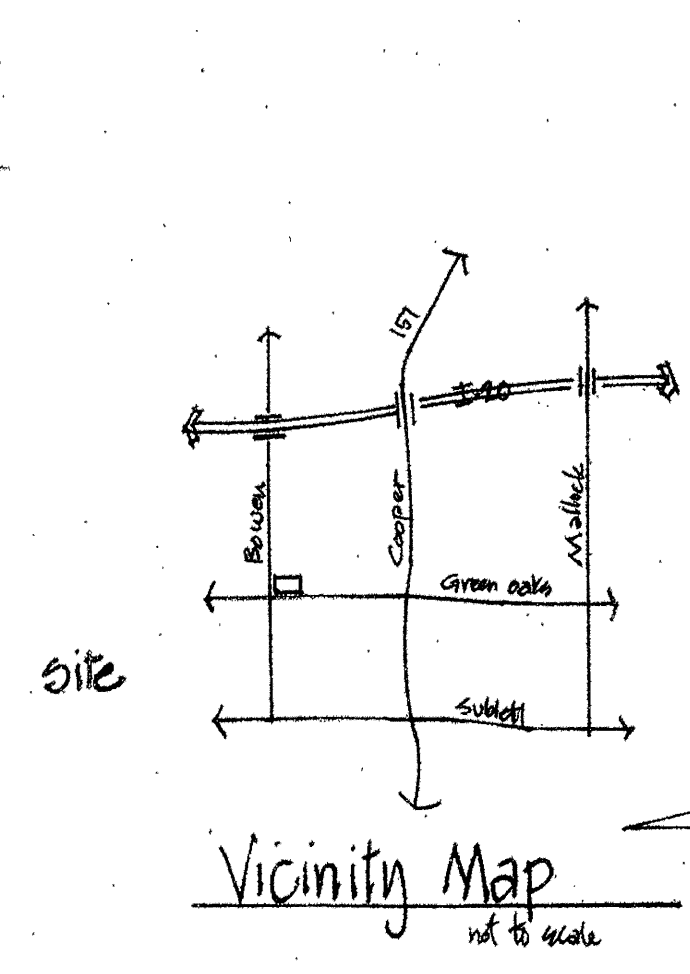
Parking

18 mos-2 1/2
11 kids/2 teacher



Parking
Green Oaks

San



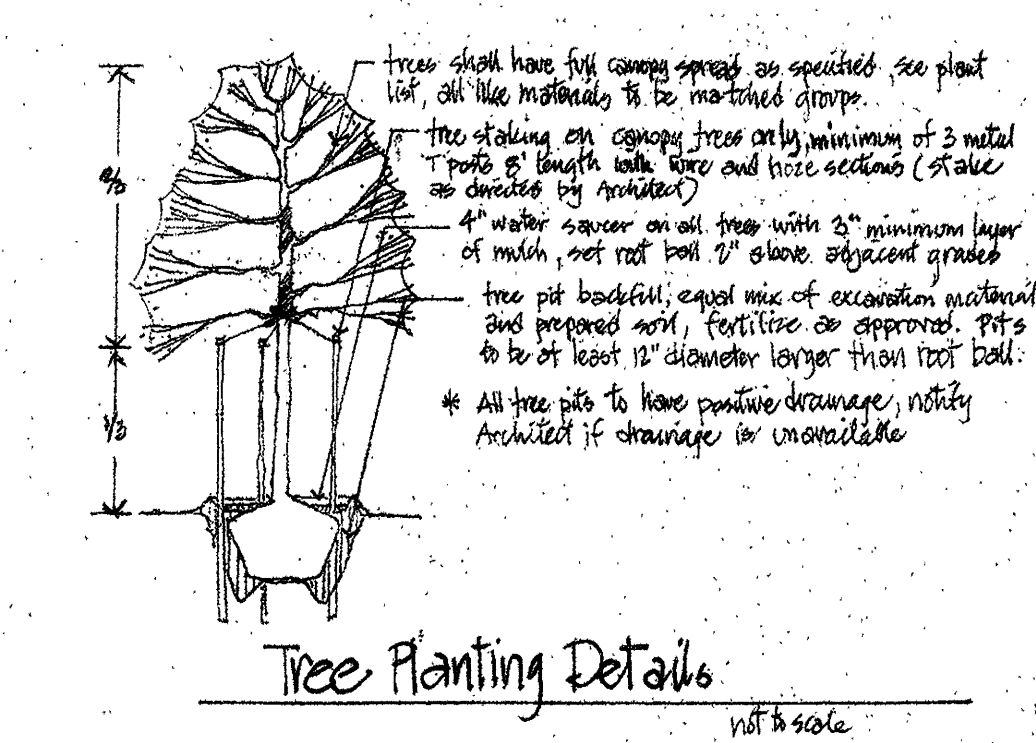
Rush Creek Christian Church
Lot 18 William Stevens Addition
2401 SW Green Oaks Blvd.
Arlington, Texas 76011
817-465-5761

Adjacent zoning
An adjacent parcel as well as subject
property is zoned R-1. East frontage
is a city park.

- Landscape Notes:**
- General:
1. Contractor to coordinate planting work with irrigation work. Plant only when irrigation and work of other trades are completely installed and operational.
 2. No activities in specified materials or products shall be made without written approval of Owner's representative.
 3. All landscape layout and planting locations to be field approved by Owner's representative.
 4. Contractor shall be responsible for maintaining all landscape areas from the entire project site that may have been damaged during construction; all as approved by Owner's representative.
- Materials:**
1. Proposed soil shall be from approved sources. Materials to be a mixture of partially decomposed organic matter, sandy loam topsoil as specified by Vint Farms, Soil Building Systems, Silver Creek, etc. A representative sample of materials and literature to be submitted for approval by Owner's representative.
 2. All plant materials shall conform to specification requirements and be healthy, vigorous stock grown in a recognized nursery in accordance with sound horticultural practices. Free of disease, insects and defects such as knots, sun scald, abrasions or other damage. Provide representative samples of all materials with certification as to horticultural authenticity and characteristics. Materials may be provided as off-site locations (laboratory for same) to be coordinated with Owner's representative.
 3. Fertilize all bed areas with one gallon per 200 square feet with 21-23-21 mixture of approved base material.
 4. All bed areas to receive an approved quantity and type pre-emergent in initial preparation operations.
 5. Topsoil shall be sandy loam as approved by Owner's representative. (chemical and physical analysis required).
 6. Mulch shall be fine grade, shredded hardwood as approved by Owner's representative.
- Excavation:**
1. All bed grades to be lowered or raised to required levels to accommodate prepared soil, plants and topsoiling. Site base grades shall be responsibility of contractor. Contractor shall dig all grades of construction debris and fill base grades to 8" depths before backfilling with topsoil and or prepared soil materials.
 2. Deliver plants and planting products to project site when soil plants or products are ready for application or installation. Deliver no plants that will remain unplanted for more than 24 hours. If plants are to remain on site for more than 24 hours, the shall be in a plastic bag with approved materials and methods. Plant only under desirable environmental and horticultural conditions and use hand tools with approved materials and methods. Plant only under desirable environmental and horticultural conditions and use appropriate equipment for the specific planting or preparation task required.
- Maintenance:**
1. Throughout the scope of construction, Contractor shall maintain all landscape areas in a neat and orderly manner at all times.
 2. Maintenance shall include mowing, edging, pruning, fertilizing, watering, weeding and any other typical activity common to the maintenance of landscaping. All trees shall be kept free of trash, litter, weeds, and other such materials or plants not a part of the landscaping. All trees and maintenance details from the entire project area shall be removed on a daily basis.
 3. After "Final Acceptance" of the work, Owner shall assume responsibility for all maintenance operations including mowing, weeding, edging, fertilizing, watering, and any other typical activity common to the maintenance of landscaping.
- Warranty:**
1. Warranty period shall commence upon "Final Acceptance" by Owner.
 2. Warranty all trees for one full year, shrubs for six months and lawn areas for complete cover as approved by Owner's representative. All replacement materials shall be warranted as per the original materials.
 3. Any damage to project components as a result of warranty work shall be remedied at no cost to Owner.

- Tree Planting:**
- All trees to be preserved shall be flagged with brightly colored vinyl tape wrapped around the main trunk at a height of approximately four feet (4') or more such that the tape is visible to workers on foot or driving equipment.
- Protective Fencing:**
- All preserved trees remaining on site shall have protective fencing, installed at the expense of the contractor, located approximately at the tree's drip line. The protective fencing shall be comprised of brightly colored vinyl construction fencing, chain link fencing or other similar fencing with a four foot (4') height. No storage of materials or equipment shall be permitted within protective fencing. Fencing to be maintained throughout construction.
- Cut & Fill:**
- A minimum of 75% of the critical root zone (within the drip line) must be preserved at natural grade with natural ground cover. No disturbance of the soil greater than 4 inches can be located closer to the tree trunk than 1/2 the distance to the drip line.
- Irrigation:**
- The design and trenching for irrigation system shall not cross the critical root zones of preserved trees. The irrigation trenches should be located outside of the critical root zone and designed to throw water into the critical root zone. Any trenching that must be done within the drip line shall be done by hand and enter the area in a radial manner, such as in a bicycle spoke configuration.
- Preservation and Protection of Existing Trees:**
- Preservation and protection of all existing trees to remain and counted as positive tree points shall be protected and preserved as described in the Tree Point section of Article 14 Landscaping and Screening Standards as adopted by the City of Arlington. All conditions shall be implemented as described in the ordinance as of contract date.
- Visibility Triangles:**
- Visibility triangles shall be provided at all public or private street intersections in accordance with current City of Arlington ordinance. All landscaping (nothing over 2 feet in height as measured from the top of curb) within the visibility triangle shall comply with the visibility ordinance.
- Utility Notes:**
- All water meters, fire hydrants, valves, manholes, and clean outs on or adjacent to this property must remain easily accessible for maintenance during construction and upon the completion of the necessary grading and landscaping. The existing utilities shall be adjusted to final grade, above the finished grade of the landscaping, prior to completing the work.
- Installation and Maintenance notes:**
1. All landscaping shall be permanently maintained and adequate provisions shall be made at the time of installation for adequate watering sources, and failure to permanently maintain any such landscaping shall be deemed a violation of the zoning ordinance.
 2. Should any of the plant materials used in any landscaping require under this ordinance, the Owner of the property shall have ninety (90) days after certification from the City to obtain and install a suitable replacement plant material.
 3. Landscaped areas shall be kept free of trash, litter, weeds, and other material or plants not a part of the landscaping.
 4. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year and for the region.

Latin name	Common name	Qty	Remarks
Bradyrhoeo	Bradyrhoeo	3	"Bradyrhoeo", 3" caliper container grown
Quercus shumardii	Red oak	6	3" caliper, container grown 14" ht. min.
Quercus shumardii	Red oak	9	2.5" caliper, container grown 12" ht. min.
Ulmus crassifolia	Cedar elm	3	2.5" caliper, nursery grown, B&B, 10" ht. min.
Ilex cornuta	Dwarf burford holly	155	"Burfordii holly", 5 gallon at 3" on center
Myrica asplaudens	Dwarf wax myrtle	27	5 gallon at 3" on center
Trachelocarpum asiaticum	Asian Jasmine	2,360	4" pots at 12" on center
Cynodon Dactylon	Bermuda grass	38,000 sf	Hydromulch over finish grades with 4 lbs. PLS per 1,000 sf. Quantity shown is only for that landscape area within project limits. Contractor is responsible for grading and turf establishment in all areas of the site including areas outside the project limits that may be damaged during construction operations. A uniform stand of turf in all areas of the site, including damaged areas outside of project limits, is required for Final Acceptance of the project by Owner.



Tree Point System

Protected canopy trees to be removed:

Under building and within 10 feet of abut:
Pines (P)
Live oak (LO)
Mountain Cedar (C)
Bumelia (B)
Monterey (M)

Removed due to emergency access and parking expansion; (6" and larger only)
Live oak (LO)
Mountain Cedar (C)
Bumelia (B)
Monterey (M)

Protected canopy trees preserved of 6" caliper or larger and proposed to be planted:

Red oak (R)
Live oak (LO)
Sweet gum (SG)
Cedar elm (CE)

9 @ 3.5" (395-07)
6 @ 3" caliper
Cedar elm (CE)

3 @ 2.5" (895-07)
Pine (P)

Monterey (M)
Pine (P)

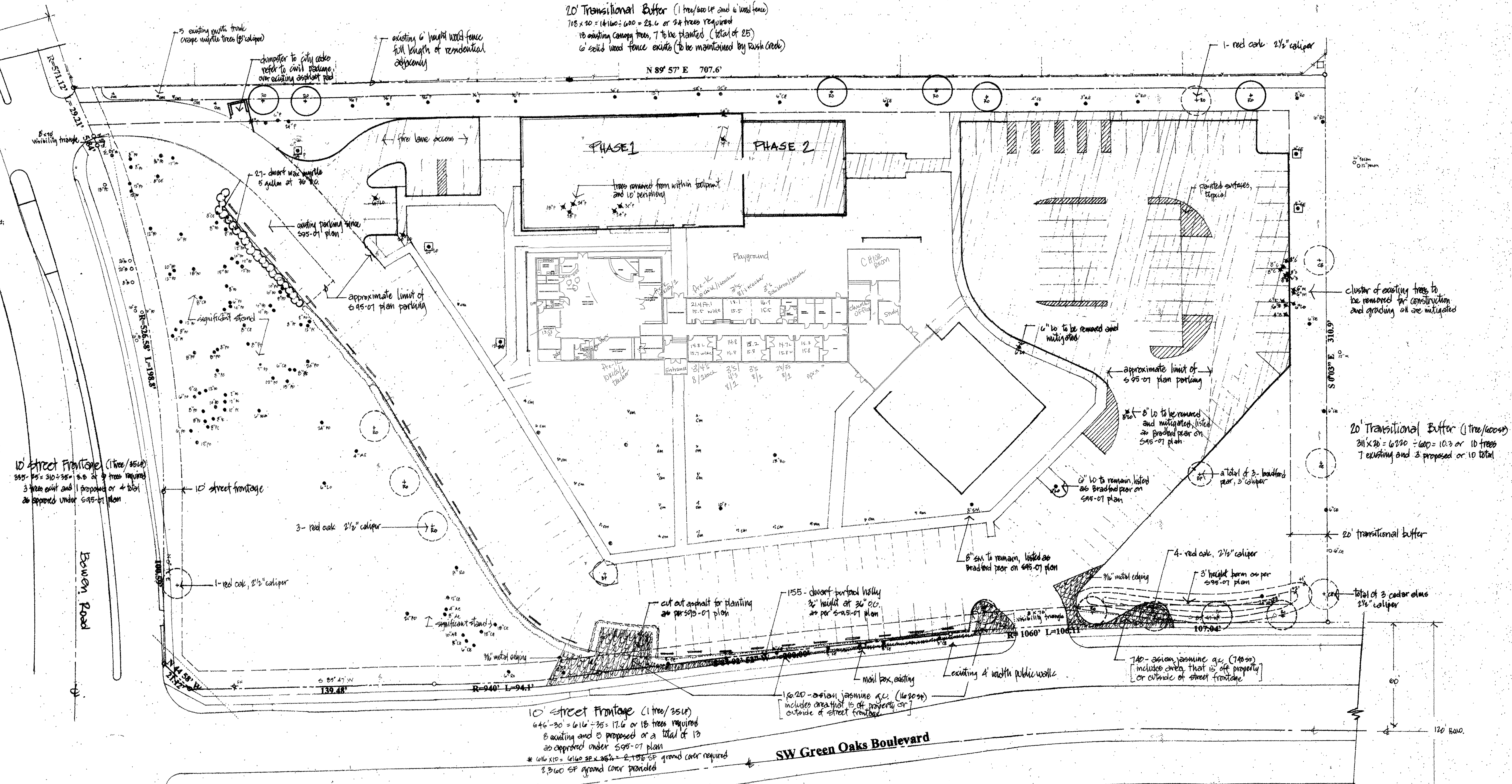
American elm (AE)
Live oak (LO)
Burford Holly (BH)
3 @ 3" (895-07)

Post oak (PO)

Summary:

Positive tree point total
Negative tree point total

1,146.0
184.0
962.0 positive tree points (not including ornamental or prohibited trees)



20' Transitional Buffer (1 tree/1000 sq ft)
718 x 20 = 14,360 sq ft = 28.72 or 29 trees required
18 existing canopy trees, 7 to be planted (total of 25)
6 solid wood fence exists (to be maintained by Rush Creek)

cluster of existing trees to be removed for construction and grading all are mitigated

20' Transitional Buffer (1 tree/1000 sq ft)
311 x 20 = 6,220 sq ft = 12.44 or 13 trees
7 existing and 3 proposed or 10 total

10' Street Frontage (1 tree/350 sq ft)
646 x 10 = 6,460 sq ft = 12.92 or 13 trees required
6 existing and 3 proposed or a total of 9
20 approved under S95-07 plan
* 646 x 10 = 6,460 sq ft = 12.92 or 13 trees required
2,360 sf ground cover provided

SW Green Oaks Boulevard

Certification:

I, Oliver R. Windham, Landscape Architect, certify that this Substitute Landscape Plan Revision complies with the Landscape Ordinance adopted by the City of Arlington with the following exceptions:

1. A Substitute Landscape Plan (S95-07) was approved by the Planning and Zoning on 05-03-95 and filed with Building Inspections on 07-18-95. Several landscape items (shown as dashed lines on the plan) are to be replaced under this plan to bring the S95-07 plan back into compliance.
2. Proposed new construction project limits are contained within the property. With S95-07 plantings, the site comes into compliance with Street Frontage and Transitional Buffers as approved under the S95-07 Plan.
3. Current ordinance requirements of ground cover and curvilinear beds with berming in street frontage is not in compliance as follows: (along Green Oaks Blvd. frontage only)
 - a. The required quantity of ground cover is met but not all of the ground cover is located within the street frontage limits.
 - b. Berming can not be provided in the narrow strip between existing back of curb and the property line along Green Oaks Boulevard frontage.

Oliver R. Windham
date April 10, 2006

Case Information



Owner/ Applicant: Rush Creek Christian Church represented by Kathy Ferrell

Sector Plan: Southeast

Council District: 2

Allowable Uses: All uses in "R" (Single-family residential with a minimum lot size of 7,200 square feet) zoning as itemized in Attachment B

Development History: The site is platted and commonly known as Lot 18, of the W. Stephens Addition.

There are no previous zoning cases in the general vicinity within the past five years.

Transportation: The development proposes access from South Bowen Road and Southwest Green Oaks.

Thoroughfare	Existing	Proposed
Southwest Green Oaks Boulevard	120-foot, 4-lane divided Major arterial	120-foot, 6-lane divided Major arterial
South Bowen Road	90-foot, 4-lane divided Major arterial	120-foot, 6-lane divided Major arterial

Traffic Impact: A change in zoning will increase the average daily trips by 208, with an addition of 37 trips during the a.m. peak hour and 39 trips during p.m. peak hour. The additional trips will not significantly impact the adjacent roadway systems.

Water & Sewer: Water and sewer are available on South Bowen Road and Southwest Green Oaks Boulevard.

Drainage: The site is located within the Rush Creek drainage basin and is not located within the FEMA floodplain.

No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.

Fire: Fire Station Number 9, located at 3205 SW Green Oaks Blvd, provides protection to this site. The estimated fire response time is 1.13 minutes, which is in keeping with recommended standards.

Case Information



School District:	This property is located in the jurisdiction of the Arlington Independent School District (AISD). AISD has not indicated the proposal has any impact on the school district.
Notices Sent:	
Neighborhood Associations:	Arlington Chamber of Commerce Downtown Development Arlington Neighborhood Council East Arlington Review Southeast Arlington Community Alliance WeCan (West Citizen Action Network) Deerwood Park HOA Emerald Park Neighborhood Org Estates Above Wimbleton HOA Far South Arlington Neighborhood Assn Hunter Bend Neighborhood Assn Lake Hill Manor HOA McKamy Oaks HOA Southwest Action Team of Arlington Turf Club Estates Wimbleton HOA Wimbleton on the Creek
Property Owners:	25
Letters of Support:	0
Letter of Opposition:	0

PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: August 18, 2010

Zoning Case SUP10-18 (Rush Creek Christian Church – 2401 Southwest Green Oaks Boulevard)

Application for approval of a Specific Use Permit for daycare use on approximately 5.070 acres zoned "R" (Single-family residential with a minimum lot size of 7,200 square feet); 2401 Southwest Green Oaks Boulevard generally located north of Southwest Green Oaks Boulevard and east of South Bowen Road

Kevin Charles, Landscape Administrator, presented this case.

Charla Hawkes Vinyard made a motion to approve Zoning Case SUP10-18. Seconded by Michael Forbes, the motion carried with a vote of 9-0-0.

APPROVED

Itemized Allowable Uses



Allowable Uses:

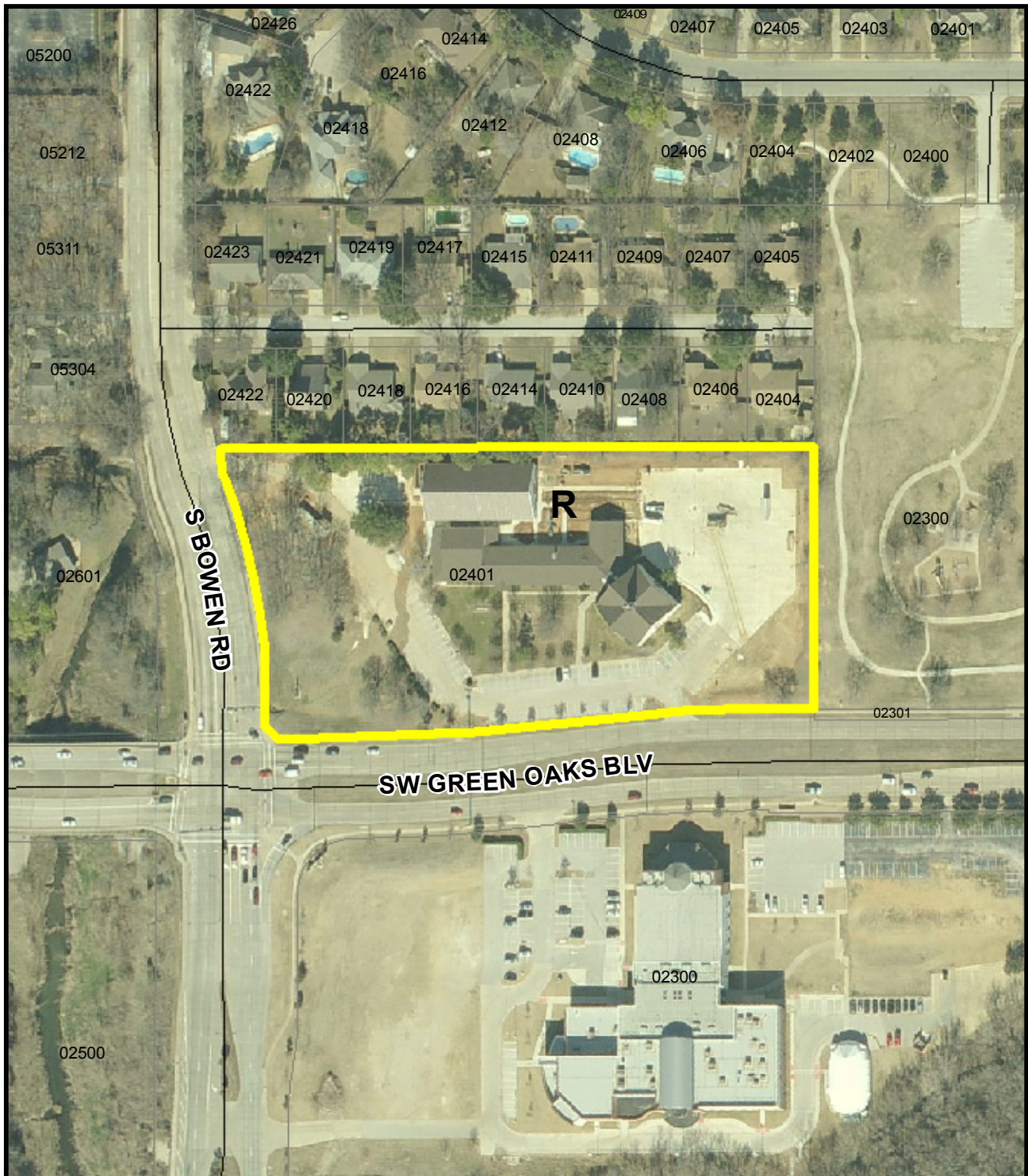
“R” (Single-family residential with minimum lot size of 7,200 square feet)

Permitted - Single family detached dwelling on minimum 7,200 square foot lots, church, government facility, public or private school, public park, playground or golf course, family home, personal care facility with maximum of six residents, foster family home, foster group home, transit passenger shelter, utility lines, towers or metering station, accessory garage-private, and accessory swimming pool-private.

Specific Use Permit (SUP) - College, university or seminary, day care facility, philanthropic institution, country club with golf course, yacht club or marina, bed and breakfast inn, personal care facility with seven or more residents, airport, heliport or landing field, accessory community center-private and gas drilling.

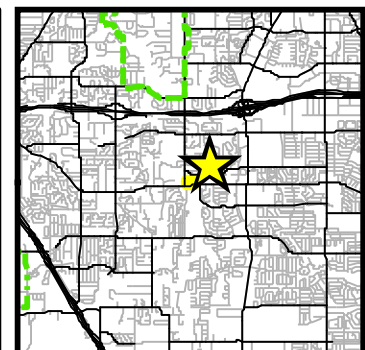
Special Exception (SE) - Temporary asphalt or concrete batch plant and temporary sand or gravel extraction.

Conditions (C) – Temporary construction field office, temporary construction storage yard, temporary real estate sales office, wireless telecommunication facilities, accessory building, secondary living unit, customarily incidental use.



**LOCATION MAP
SUP10-18**

**SPECIFIC USE PERMIT
CHILDCARE CENTER
5.07 ACRES**



SUP10-18

Specific Use Permit for day care use
North of Southwest Green Oaks and east of South Bowen Road



Looking at the subject site from Southwest Green Oaks. This is a view of the main entrance. View north.



Looking at the park use adjacent to the subject site. View east.



Looking at the church use across Southwest Green Oaks. View south.



Looking at the residences adjacent to the subject site. View north.